



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LOCAL 2715, AMERICAN FEDERATION STATE, COUNTY :
AND MUNICIPAL EMPLOYEES, AFL-CIO :
Complainant :
and :
HILLSBOROUGH COUNTY COMMISSIONERS :
Respondent :

CASE NO. A-0428:9
DECISION No. 82-36

Representing the Complainant, Local 2715, AFSCME

James C. Anderson, Executive Director, Council 68
James Gray, President, Local 2715
Harry Anagnos

Representing the Respondent, Hillsborough County Commissioners

David Horan, Esquire, Asst. County Attorney
Richard W. Roulx, Business Manager
Nelson MacAskill, County Corrections Administrator
James O'Flynn, Sheriff
Patricia C. Roody, Asst. Administrator, Nursing Home

BACKGROUND

Local 2715 charges Hillsborough County with an unfair labor practice for discriminatory treatment of Union employees as against non-Union ones, and the County responds by denying that its actions in the circumstances violated RSA 273-A.

FINDINGS OF FACT

Thus presented is the important issue of whether a public employer may grant benefits to employees outside the bargaining unit which have not been extended to those in the unit. We answer the issue in the affirmative, with a limiting caveat to be discussed infra.

A summary of the factual setting is necessary to an understanding of the decision herein. It seems that certain County employees, principally office workers, were released four hours early (with pay) on Christmas and New Year's eves, 1981. The released employees were not members of the bargaining unit.

This same holiday spirit was not extended to members of the bargaining unit at the Nursing Home and House of Corrections. It is these on whose behalf the complaint is pressed.

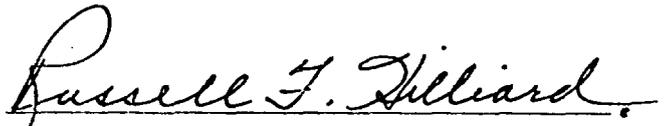
The collective bargaining agreement in force between the parties represents the culmination of negotiations covering the subjects of holidays and other time off. The public employer is bound to extend the agreed-upon benefits, and no more.

Generally, the public employer is free to extend whatever wages and benefits it deems prudent to non-organized employees. Unless an extension of the benefits to such employees is for the express purpose of undermining Union security, this Board is without authority to interfere in the employer's decision.

The only evidence presented to the effect that the County intended to undermine Union security was a petition signed by several Unión members indicating that they were considering terminating their membership in the Union because of the County's action. The Board does not choose to assign great weight to this petition, particularly when the appropriate focuses the intent of the County, not the effect of its action.

DECISION AND ORDER

Failing any evidence of an unfair labor practice, the petition must be, and hereby is, dismissed.



Russell F. Hilliard, Esquire

Signed this 3rd day of June 1982

Chairman Robert E. Craig, presiding. By unanimous vote of Members Hilliard, Mayhew, Osman. Also present, Evelyn C. LeBrun, Executive Director.